

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division**

**R.M.S. TITANIC, INC.,  
successor-in-interest to  
Titanic Ventures, limited partnership,  
Plaintiff,**

**v.**

**Civil Action No. 2:93cv902**

**THE WRECKED AND ABANDONED VESSEL,  
ITS ENGINES, TACKLE, APPAREL,  
APPURTENANCES, CARGO, ETC., LOCATED  
WITHIN ONE (1) NAUTICAL MILE OF A POINT  
LOCATED AT 41 43' 32" NORTH LATITUDE  
AND 49 56' 49" WEST LONGITUDE,  
BELIEVED TO BE THE R.M.S. TITANIC  
in rem,  
Defendant.**

**STATUS REPORT**

The United States, as *amicus*, and on behalf of its National Oceanic and Atmospheric Administration ("NOAA"), provides the following update to the Court.

On November 18, 2019, the United States deposited its instrument of acceptance for the Agreement Concerning the Shipwrecked Vessel R.M.S. Titanic (hereinafter the "International Agreement"), triggering its entry into force. A copy of the Instrument of Acceptance is attached hereto. The International Agreement can be found on NOAA's website.<sup>1</sup>

By way of background, shortly after the *Titanic* was discovered in 1986, Congress enacted the RMS Titanic Maritime Memorial Act of 1986 ("the Act"). 16 U.S.C. §§ 450rr *et seq.* The Act called on the NOAA Administrator to consult with the United Kingdom, France, Canada, and other interested nations to develop international guidelines for research on, exploration of, and if appropriate, salvage of the *Titanic*. *Id.* at § 450rr-5. The Act also called on

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<sup>1</sup> See [http://www.gc.noaa.gov/gcil\\_titanic-intl.html](http://www.gc.noaa.gov/gcil_titanic-intl.html).

the United States Secretary of State to enter into negotiations with such nations to develop an international agreement to (1) designate the *Titanic* as an international maritime memorial, and (2) provide for research on, exploration of, and, if appropriate, salvage of *Titanic* consistent with the international guidelines. *Id.* at 450rr-6. Once completed, the State Department would notify Congress and provide Congressional committees “recommendations for legislation to implement the agreement.” *Id.* at § 450rr-6(d).

The NOAA Administrator issued its “Guidelines for Research, Exploration and Salvage of RMS *Titanic*,” which became effective on April 12, 2001. 66 Fed. Reg. 18905 (Apr. 12, 2001). The United States, United Kingdom, France, and Canada negotiated the International Agreement, which the United Kingdom ratified in 2003 and the United States signed in 2004. On May 5, 2017, the President signed the Consolidated Appropriations Act, 2017, Pub. L. No. 115-31 (May 5, 2017), which included appropriations for the Department of Commerce, *id.* at Div. B, Title 1. Section 113 of that Act provides:

For fiscal year 2017 and each fiscal year thereafter, no person shall conduct any research, exploration, salvage, or other activity that would physically alter or disturb the wreck or wreck site of the RMS *Titanic* unless authorized by the Secretary of Commerce per the provisions of the Agreement Concerning the Shipwrecked Vessel RMS *Titanic* [i.e., the International Agreement]. The Secretary of Commerce shall take appropriate actions to carry out this section consistent with the Agreement.

Department of Commerce Appropriations Act, 2017, Pub. L. 115-31, 131 Stat 135, 192 (2017). Section 113 provides implementing authority necessary for the United States to accept the Agreement.

The United States Department of State deposited the United States’ instrument of acceptance, Exhibit 1, with the United Kingdom on November 18, 2019, thereby triggering the International Agreement’s entry into force. The 1986 Memorial Act, Section 113, NOAA’s

guidelines and, now, the International Agreement, together establish and firmly fix the public interest in the preservation and protection of the *Titanic*, its artifacts, and the *Titanic* wreck site for posterity. *See R.M.S. Titanic, Inc. v. Wrecked & Abandoned Vessel*, 742 F. Supp. 2d 784, 792-93 (E.D. Va. 2010); *see also* ECF No. 289 at 3, n. 2 (United States' March 17, 2008 *Amicus* Brief describing the United States' interest in the *Titanic* and its artifacts).

Respectfully submitted,

G. Zachary Terwilliger  
United States Attorney

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### CERTIFICATE OF SERVICE

I hereby certify that on the 29<sup>th</sup> day of November, 2019, I will electronically file the foregoing document with the Clerk of Court using the CM/ECF system, which will then send a notification of electronic filing (NEF) to the following:

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/s/ Kent P. Porter

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